(6)

e-filed

IN THE HIGH COURT OF CHHATTISGARH AT BILASPUR.

(1)

W.P. No. 665 /2002

PETITIONER : Badaru Zama Khan, S/o Ali Zama khan, aged about 40 years, President Anjuman Islamiya Intezamia Zama Masjid, Surajpur, Distt. Surguja (C.G.)

R. No. 663/02
received by Shri Venkateshwar
dated 9.12.02

VERSUS

RESPONDENT : M.P. Wakf Board, Near Tajul Masajid, Bhopal.

PETITION UNDER ARTICLE 226 OF CONSTITUTION OF INDIA.

(116)

XI-HC-22

उच्च न्यायालय, छत्तीसगढ़, बिलासपुर

आदेश पत्रक

मामला क्रमांक WPNo. 665/02 सन् 200

विरुद्ध

आदेश का दिनांक आदेश क्रमांक सहित	आदेश हस्ताक्षर सहित	कार्यालयीन मामलों में डिप्टी रजिस्ट्रार के अन्तिम आदेश

21/11/2003

Shri Pankaj Agrawal for the petitioner.

Shri Sunil Sinha, Addl. Advocate General, with Shri Rajesh Pandey, Govt. Advocate, for the State.

Shri A.K. Shukla for the intervener.

Heard.

By this petition under Article 226/227 of the Constitution of India, the petitioner submits that he is duly elected President of Jama Masjid, Surajpur for three years. For that, Annexure-P/1 dated 16/12/2000 has been filed. This document is addressed to the Chief Judicial Magistrate and it contains that pursuant to the meeting held on 25/11/2000 the election of the President was held and Badru Zama Khan was elected as President, who will hold the office for three years. It is submitted that while holding the said office, though he did not resign, a document purported to be his resignation was submitted. That document was accepted

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आदेश पत्रक

मामला क्रमांक W.P.665/02 सन् 200

विरुद्ध

आदेश का दिनांक आदेश क्रमांक सहित	आदेश हस्ताक्षर सहित -2-	कार्यालयीन मामलों में डिप्टी रजिस्ट्रार के अन्तिम आदेश

as per Annexure-P/16, which is the order impugned under challenge.

The petitioner contends that he did not resign, whereas the intervener submitted that the petitioner had resigned. Shri Shukla, learned counsel for the intervener, submits that even the account was not furnished by the petitioner.

State was joined as a party and the report of the Sub Divisional Officer was called on two counts; (i) whether the *Pesh Imam* is getting salary or not and (ii) who is the elected person ?

Shri Rajesh Pandey, Govt. Advocate, submits that the report has been received. It is taken on record. Para 2 of the report contains that Badru Zama Khan was the elected President and it is said that the salary is paid to both the *Pesh Imam*, one is paid through the earnings of the Masjid Committee and the other is paid by the contribution of the

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(118)

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विरुद्ध

आदेश का दिनांक आदेश क्रमांक सहित	आदेश हस्ताक्षर सहित	कार्यालयीन मामलों में डिप्टी रजिस्ट्रार के अन्तिम आदेश

Congregation. The properties are in possession of Wakf Committee.

As per the contention of the petitioner himself, the term of his office is to expire on 24/11/2003. This fact is recorded.

The dispute is resolved as the term of the petitioner itself is to expire on 24/11/2003. The District Wakf Committee and the authorities concerned will ensure that the fresh election takes place. The petitioner undertakes to submit all the papers and charges to the Sub Divisional Magistrate, Surajpur.

With the aforesaid observations, this writ petition stands disposed of.

~~Let the parties as a good gesture celebrate~~ Id.

Sd/-
Fakhruddin
Judge

Parkar

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24/11